

A Special Meeting of the Marilla Town Board was held Tuesday, September 7, 2004 at 8:00 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York 14102. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order at 8:00 p.m. The purpose of this meeting was to enter into executive session to discuss Land negotiations. The Town Clerk posted a copy of the notice of a Special Meeting and contacted the Elma Review and Alden Advertiser.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to go into executive session. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to go out of executive session. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to adjourn the Special Meeting at 8:35 p.m.

Respectfully Submitted,

_____ Town Clerk

Regular Meeting
September 9, 2004

A regular meeting of the Marilla Town Board was held September 9, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Carla Miley presented a check to Joyce Cullen from the Marilla Fire Company Ladies Auxiliary for \$1,073 from the Town of Marilla for proceeds from the chicken barbeque during the Sesqui-centennial.

Communications

1. The Civil War Re-enactors sent a note of thanks for the Town's hospitality during their stay at the Town Park for the Sesqui-centennial.
2. An out of Town visitor, Walter R. Linhardt sent a note complementing the Town for the wonderful job done by the Community for the Sesqui-centennial.

Tentative Budget 2004

The tentative budget I have prepared for 2005 is now on file in the Town Clerks office and is available for inspection by any interested persons. This years budget was prepared before the information from Governor's office taking away from Town's and Village's, a major portion of Court fees. The cost to the town of Marilla will be between \$25,000 and \$30,000 and will make a difference in the overall budget. When the Town Board meets in October to do the Preliminary Budget we will address that issue. Currently Town Court costs are about equal to revenue from fines.

The only new project I am recommending for next year is building a third large shelter in the Town Park at a cost of approximately \$25,000. I have already discussed this with the Town Board as a possible project but with the change in revenue it will have to be looked at again to determine if we should continue with the project.

I am also recommending the normal across the board 3% increase in salaries and I believe this is fair as we are holding tax rates the same and not reducing services.

GENERAL FUND-- The budget I am recommending is up \$57,383 or about 2.7% for the General Fund. There will be no General Fund tax for Marilla as we are able to continue this tradition that very few Towns and Villages are able to do.

HIGHWAY—The Highway budget is up \$18,000 or 4.8% due to expected increased costs for fuel and salt. I have balanced that situation by putting more sales tax money in the Highway account so we can keep the tax at the same rate at 65 cents per thousand.

SANITATION—The Sanitation budget is up \$13,000 or 4.4% again mostly due to fuel costs and the number of pickups has increased to the point where we have had to increase our labor hours to meet the demand. I estimate the pickup costs to remain the same at \$120.

SPECIAL FIRE—The Special Fire budget is up an estimated \$8000 and final numbers will not be known until after we negotiate with the Firemen. I estimate the rate to go up approximately 3 cents per thousand to \$1.60 per thousand.

Water Districts II, III and IV will all remain at the same tax rate as all districts are in excellent shape financially.

Water District V— We have not received final approval for Water District V and I cannot budget any funds until we have confirmation of funding. I hope we have a final answer by the time we do the preliminary budget October 12th so we can change the budget to include District V.

The budget I have prepared is balanced and holds the line on spending and only increases taxes 3 cents per thousand. The Towns conservative budgeting and setting aside funds for times when there are pressures on local budgets is now paying dividends. We can continue to provide the same services for our residents without large tax increases. The 2005 budget may change in the coming days based on what the State is going to do with the Justice Court funds and whether Water District V will be formed but tax rates will remain the same.

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that the shelters and the bathrooms at the Town Park have been painted.

Councilman Spanitz reported that the Planning Board has been working very diligently on the draft sign and billboard regulations to amend the current code. They have presented the amended code to the Town Board and hopefully we can adopt it next month. She stated that anyone interested in placing a brick at the Memorial Walkway prior to Veteran's Day must have there orders in by September 10th.

Councilman Gertz reported that there will be a household hazardous waste drop off day on Saturday, September 11th from 9:00 am until 2:00 p.m. at Honeywell, 20 Peabody Street, Buffalo. There will also be an Erie County Electronics Recycling Day on

September 18th from 9:00 a.m. until 2:00 p.m. at Praxair on Woodward Ave., Tonawanda, the flyers are posted on the bulletin board at the Town Hall. He also reported that the State will be reviewing the intersections of Clinton St. and Two Rod Road and Bullis Road and Two Rod Road and they will inform the Town of what their recommendations are after their investigation.

Councilman Handley reported that there will be a concert this Sunday by Lake Effects Harmony Chorus at the Pavilion beginning at 2:00 p.m. The Pavilion Board has been discussing a Message Center hopefully in the near future so we can promote a lot of the community events. An example would be on September 11th there will be a service held at the firemen's grounds at 2:00 p.m. and a candle light service at the Pavilion at 8:00 p.m. to commemorate 911, this will be sponsored by Williston Methodist Church. On September 17th & 18th the Marilla Free Library will be having a book sale at the Community Center. On September 18th the Kiwanis Clubs of Elma, Marilla and Wales are sponsoring the annual NFL Pepsi Punt, Pass and Kick Competition at 8:30 a.m. at the EMW Boys and Girls Club. Also on September 18th the Marilla United Methodist Church is having a chicken barbeque, on September 28th there will be the Sesqui-Centennial re-visited night at 7:00 p.m. at the Community Center, October 2nd the Town will be sponsoring a bountiful harvest celebration from 3:00 p.m. until 7:00 p.m. in the Town Park, there will be a non-denominational service with hayrides, pumpkin decorating, shared meal, food collection for the Alden Marilla Food Pantry. The Kiwanis will be having a spaghetti dinner on October 6th at 4:30 until 7:00 p.m. at the Firemen's Rec Hall, catered by the Olive Garden. We would like to get this message center up so groups can advertise their events and people can see there are a lot of things to do in Marilla. He then reported that the CAB has started the next process for the Grant. Tim Putt from Troop 290 has received the lumber for the walkway that he will be putting in the Town Park soon.

Councilman Specht reported that the server will be installed on Monday, after the installation is complete we will be switching the web page over and maybe the message board items can go on the web. Hopefully everything will go smooth but be patient unusual things can happen.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Handley to approve Minutes from the Special Meeting held on 8/10/04 and the Regular Meetings held on 8/12/04. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to set the date for a public hearing as to the possible use of HUD funds for 2005, within the restrictions of low income or handicapped requirements for October 14th 2004 at 7:30 pm. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to set the date for the Preliminary Budget Meeting for October 12th at 7:00 p.m. in the Marilla Town Hall. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve Darlene Vogel as consultant for the PACE Grant application. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the following Resolution:

WHEREAS, Vehicle and Traffic Law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law; and

WHEREAS, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury; and

WHEREAS, this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies –monies which have historically been used to fund justice court operations; and

WHEREAS, the Town of Marilla will likely lose \$30,000 in anticipated fine revenues; and

WHEREAS, this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005;
NOW, THEREFORE BE IT

RESOLVED, that the Town of Marilla calls for the restoration of the original fine distribution formula in order to provide towns with the necessary revenues of fund justice court operations; AND BE IT FURTHER

RESOLVED, that the Town of Marilla urges the passage of legislation introduced by Senator Bonacic (S.757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments; AND BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to the Governor George E. Pataki; Joseph L Bruno, Majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; Senator Elizabeth Little, Chair of the Local Government Committee; Assemblyman Robert Sweeney, Chair of the Local Government Committee; Senator Owen Johnson, Chair of the Finance Committee; Assemblyman Herman D. Farrell Jr., Chair of the Ways and Means Committee; Senator John A. DeFrancisco, Chair of Judiciary Committee; Assemblywoman Helene E. Weinstein, Chair Judiciary Committee; and Senator Dale M. Volker and Assemblyman Sandra Lee Wirth.

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Gertz – Aye

Supervisor Foss – Aye

Motion Carried.

Councilman Specht – Aye

Councilman Handley – Aye

Report of Town Officials

Town Engineer Bill Christen had no report.

Building Inspector John Fronczek submitted a written report with 8 building applications received totaling fees of \$432.00 building permits issued with a value of \$28,000.00, 11 inspections were made, and 2 complaints were acted on. A total of 152 acts of official business were made for the month of August.

Town Attorney Nathan Neill had no report.

Supervisor Foss commented that the assessment challenges have tentatively been settled and we will not be going to court, which saves the school districts and the Town of Marilla a lot of money.

Planning Board minutes were received and posted and they will be meeting next Thursday.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Lenny Blizniak stated that the Marilla Benevolent Association would like to thank the Town Board for funding the fireworks at the Carnival this year and hopefully we will be able to have them again next year. He also stated that the street markers are still for sale.

Hubert Kutter reported that Sesqui Revisited will be held on September 28th at the Community Center at 7:00 p.m. There will be videos and pictures available for viewing. He also stated that they are currently working on the annual report for the New York State Educational Department.

Open Board Presentations

Supervisor Foss wanted to thank County Legislature Denise Marshall for attending our meeting this evening.

Councilman Specht thanked Bill Christen for helping to destroy the hogweed in Marilla.

Councilman Handley stated that he received a pamphlet from the legislative commission on rural resources they have a specialty license plate for sale. Residents can purchase this specialty plate to show their support for agriculture and the proceeds help fund the agriculture in the classroom program. Each plate has a farm scene silhouette, they can be purchased at your local Department of Motor Vehicle Office.

Councilman Spanitz wanted to thank the dedicated youth workers at the Sesqui-Centennial, they did a wonderful job.

Supervisor Foss wanted to thank the Firemen and the Marilla Highway Department for helping residents that had problems with flooding due to the heavy rains.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 428-534	\$	34,781.68
Highway Fund Claims, Vouchers 136-145	\$	6,685.97
Special Districts		
Sanitation (SR), Vouchers 86-93	\$	6,396.68
Special Fire, Voucher 8	\$	10,325.62
.00		
Water District #2, Voucher 19	\$	2,430.94
Water District #3, Voucher 9	\$	1,306.94
Water District #4, Voucher 9	\$	789.34
Community Development PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:00 p.m. Motion Carried.

Respectfully Submitted,

_____	Town Clerk	_____	Supervisor
_____	Councilman	_____	Councilman
_____	Councilman	_____	Councilman